

PATENT  
Atty. Dkt. No. TVG/4885-5

### REMARKS

This is intended as a full and complete response to the non-final Office Action mailed on July 14, 2004. Please reconsider the claims pending in the application for reasons discussed below.

The subject office action rejected claims 1-15. By this response claims 13 and 15 are cancelled. Claims 1-12 and 14 remain pending in the application, are shown above, and continue unamended. Reconsideration of claims 1-12 and 14 is requested for the reasons presented below.

#### Rejections of Claims 1, 3, 5, 7-9, 11-12 and 14-15 Under 35 U.S.C. §102(e)

The Examiner has rejected claims 1, 3, 5, 7-9, 11-12 and 14-15 under 35 U.S.C. §102(e) as being anticipated by Fries (U.S. Patent 6,317,885, hereinafter "Fries"). Claim 15 is cancelled. With all respect to the Examiner, the rejection of claims 1, 3, 5, 7-9, 11-12 and 14 is respectfully traversed.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 U.S.P.Q. 193 (Fed. Cir. 1983)) (emphasis added)). Fries fails to disclose each and every element of the claimed invention, as arranged in the claim.

Claim 1 is useful for distinguishing the subject invention from Fries. Claim 1 recites:

A method for allowing access to interactive features of an electronic program guide by a user from within a broadcast advertisement, the method comprising:

storing presentation guide software for presenting an electronic program guide at a user location;

receiving a broadcast advertisement comprising audio, video and promotional metadata over a broadcast distribution network;

analyzing the promotional metadata to determine one or more valid electronic program guide features;

displaying an electronic program guide;

presenting the one or more valid electronic program guide features within the electronic program guide; and

executing an electronic program guide feature selected by the user.

PATENT  
Atty. Dkt. No. TVG/4685-3

Fries teaches an Interactive entertainment and information system that makes use of television set-top boxes. Fries teaches sending a) video and audio information (see lines 24-28 of column 3) and b) periodic information pages (still images) to the set-top boxes (column 3, line 66-column 4, line 16). The Information pages (alternatively called still images, page images, initial page images, etc) can include links to other information and can be advertisements, see Fries, column 6, line 43 through column 7, line 11.

However, the claimed invention recites receiving a broadcast advertisement comprising audio, video and promotional metadata over a broadcast distribution network. Fries teaches two sets of information, video-audio and information pages, neither of which is described as having all three: audio, video, and metadata.

Having used claim 1 to highlight differences between the subject invention and Fries, independent claim 14 is now provided.

Claim 14:

"Computer readable media comprising program code, the program code operative to be executed by a programmable computer, the program code comprising a method for allowing access to interactive features of an electronic program guide by a user from within a broadcast advertisement, the method comprising:

storing presentation guide software for presenting an electronic program guide at a user location;

receiving the broadcast advertisement comprising audio, video and promotional metadata over a broadcast distribution network;

displaying the electronic program guide on a display device;

analyzing the promotional metadata to determine one or more electronic program guide features;

presenting one or more electronic program guide features within the electronic program guide; and

executing an electronic program guide feature." [Emphasis added].

As claim 14 includes the same limitation that clearly distinguished claim 1 from Fries, independent claim 14 is also allowable.

The dependent claims 3, 5, 7-9, and 11-12 contain additional features that further distinguish the present invention over the prior art of record. Since those claims depend from allowable base claim 1, those claims are also allowable.

PATENT

Atty. Dkt. No. TVG/4885-6

In view of the foregoing, withdrawal of the rejections of claims 1, 3, 5, 7-9, 11-12 and 14 under 35 U.S.C. §102(e) is respectfully requested.

**Rejection of Claims 2 and 10 under 35 U.S.C. §103**

The Examiner has rejected claims 2 and 10 under 35 U.S.C. §103(a) as being unpatentable over Fries. With all respect to the Examiner, that rejection is respectfully traversed.

Claims 2 and 10 depend from allowable independent claim 1, and recite additional features thereof. For at least the same reasons as discussed above, Applicants respectfully submit that Fries also does not teach, suggest or disclose the Applicants invention recited in claims 2 and 10. Therefore, withdrawal of the rejection of claims 2 and 10 under 35 U.S.C. §103(a) is respectfully requested.

**Rejection of Claims 4, 6 and 13 under 35 U.S.C. §103**

The Examiner has rejected claims 4, 6 and 13 under 35 U.S.C. §103(a) as being unpatentable over Fries in view of the TV Anytime as an application scenario for MPEG-7 article by Pfeiffer and Srinivasan (hereinafter TV Anytime). Claim 13 is cancelled. The Applicants respectfully traverse the rejection of claims 4 and 6.

TV Anytime discloses a proposed use of MPEG-7 metadata content tools as a basis for forming a specific schema of instance documents for use by TV Anytime. That instance document discloses parsing an application program and then searching on parsed out metadata. TV Anytime provides an example wherein a viewer uses a web interface to form a query regarding (AV) soccer highlights, which is then sent to associated service provider software. That software collects the requested information and sends it to a viewer's Personal Digital Recorder (PDR), which is apparently the TV of the future. The PDR then accesses the requested AV material.

Claims 4 and 6 depend from allowable independent claim 1, and recite additional features thereof. As noted above, Fries does not teach, suggest or disclose the Applicants' invention recited in independent claim 1. Furthermore, TV Anytime does not close the gap between Fries and the invention recited in independent claim 1. For example, TV Anytime does not disclose receiving a broadcast advertisement comprising

PATENT

Atty. Dkt. No. TVG/4655-6

audio, video and promotional metadata over a broadcast distribution network.

Consequently, claim 1 and its dependent claims 4 and 6 are allowable.

In view of the foregoing, withdrawal of the rejections of claims 4 and 6 under 35 U.S.C. §103(a) is respectfully requested.

### CONCLUSION

Thus, Applicants submit that none of the claims presently in the application are indefinite under the provisions of 35 U.S.C. §102, or obvious under the provisions of 35 U.S.C. §103. Consequently, Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. John M. Kelly Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

October 14, 2004

John M. Kelly  
John M. Kelly, Attorney  
Reg. No. 33,920  
(732) 530-9404

Moser, Patterson & Sheridan, LLP  
Attorneys at Law  
595 Shrewsbury Avenue  
Suite 100  
Shrewsbury, NJ 07702